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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/765,447

01/27/2004

Christian Bertin

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10/30/2007

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EXAMINER

IDOWU, OLUGBENGA O

ART UNIT

PAPER NUMBER

2623

MAIL DATE

DELIVERY MODE

10/30/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/765,447

Applicant(s)

BERTIN ET AL.

Examiner

Olugbenga O. Idowu

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's arguments, filed 10/10/2007, with respect to the rejection(s) of claim(s) 1-16 under 35 U.S.C. 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Horowitz, Shoff and Yamato.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 – 8, 13– 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horowitz, publication number: US 2004/0078817 A1 in view of Shoff, patent number: US 6240 555B1.

As per claims 1, 14-15 and 16, Horowitz teaches a method of recording audiovisual contents, the contents being broadcast according to a schedule, the method including:

A step of selecting from an access terminal an audiovisual content to be recorded, the content being associated with a broadcast data and time predetermined by a content broadcaster (receiving a recording request, the request being associated with information such as program title and time, [0018], lines 9 – 13, [0042], lines 9 - 15) and

Art Unit: 2623

A step of the access terminal receiving a record file of the selected audiovisual content and the scheduled date and time for broadcasting it (storing received recording request, [0027], lines 7 – 11, request contains date and time, [0018], lines 11-13, [0042], lines 9 - 15),

generating a request to update the record file, the request being sent by the terminal to the update server (updating based on requests from client device, [0051])

Horowitz does not teach wherein the record file further includes the address of an update server.

In an analogous art, Shoff teaches wherein the record file further includes the address of an update server (data fields corresponding to a program having link to server that has additional information on the specific program which can be accessed on request, Col. 6, lines 8 – 26, Fig. 3).

Therefore, it would have been obvious to one of ordinary skill in the art to modify Horowitz' conflict management system by including a link to server with additional information as described in Shoff's supplemental content system for the advantages of reducing the burden placed on processors for finding relevant information source.

As per claim 2, the combination of Horowitz and Shoff teach a method according to claim 1 of recording audiovisual contents broadcast according to a schedule, the method including a step of updating the record file in the event of modification of the date and/or time of the broadcast (Horowitz; updating record file, [0029]), or

Art Unit: 2623

cancellation of broadcasting a selected audiovisual content, or substitution of some other audiovisual content.

As per claim 3, the combination of Horowitz and Shoff teach a method according to claim 1 of recording audiovisual contents broadcast according to a schedule, wherein the update request includes the address of the update server and the identification information of the audiovisual content (Horowitz: update information, [0051], lines 10 – 17, Shoff: update link, Col. 6, lines 8 – 26, Fig. 3).

As per claim 4, the combination of Horowitz and Shoff teach a method according to claim 1 of recording audiovisual contents broadcast according to a schedule, wherein the request is an HTTP request (Shoff: update link, Col. 6, lines 8 – 26, Fig. 3).

As per claim 5, the combination of Horowitz and Shoff teach a method according to claim 1 of recording audiovisual contents broadcast according to a schedule, wherein the terminal sends the request to update the record file periodically up to the date and time scheduled for broadcasting the selected audiovisual content (Horowitz: regular updates, [0031], lines 7 - 15).

As per claim 6, the combination of Horowitz and Shoff teach a method according to claim 1 of recording audiovisual contents broadcast according to a schedule, wherein, during the selection step a single audiovisual content is selected, and wherein the

Art Unit: 2623

terminal sends the request to update the record file increasingly often as the date and time for recording the selected audiovisual content approaches (regular updates, [0031], lines 7 - 15).

As per claim 7, the combination of Horowitz and Shoff teach a method according to claim 1 of recording audiovisual contents broadcast according to a schedule, wherein the record file includes a field marked by a markup and defining the address of the update server (Shoff: update link, Col. 6, lines 8 – 26, Fig. 3).

As per claim 8, the combination of Horowitz and Shoff teach a method according to claim 1 of recording audiovisual contents broadcast according to a schedule, wherein the record file includes at least one field marked by a markup and defining information identifying the corresponding audiovisual content associated with data describing said content (Horowitz; FTP, [0043], Horowitz; information associated with scheduled recording, [0033], lines 1 - 7).

As per claim 13, the combination of Horowitz and Shoff teach a method according to claim 1 of recording audiovisual contents broadcast according to a schedule, wherein the request includes the reference of a user for statistical purposes (updating based on requests, [0051], lines 5 - 7).

4. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horowitz, publication number: US 2004/0078817 A1 in view of Shoff, patent number: US 6240 555B1 in further view of Carden, Patent number: US 6 996 627 B1.

As per claim 9, the combination of Horowitz and Shoff teach updating a record file based on changes in schedule.

The combination does not teach an identifier associated with an already recorded content.

In an analogous art, Carden teaches recording audiovisual contents broadcast according to a schedule, wherein the record file includes at least one field marked by a markup and defining, for a given audiovisual content in the same file, a content identifier associated with a content already recorded in the storage means of the access terminal (the program data structure 200 contains some of the program information items 102 as well as identifies the location of other program information items 102, col. 6, lines 19 - 22).

Therefore, it would have been obvious to one of ordinary skill in the art to modify the combination of Horowitz and Shoff by including a way to track previously recorded items, as described in Carden's information updating system, for the advantages of saving storage space by not recording already recorded programs.

As per claim 10, the combination of Horowitz and Shoff teach updating a record file based on changes in schedule.

The combination does not teach an XML schema.

In an analogous art, Carden teaches recording audiovisual contents broadcast according to a schedule, wherein the syntax of files exchanged between the access terminal and the server is defined by an unique data structure schema, in particular an XML schema (XML, col. 4, lines 9 -14).

Therefore, it would have been obvious to one of ordinary skill in the art to modify the combination of Horowitz and Shoff by including the use of XML, as described in Carden's information updating system, for the advantages of representing data structures, records and lists.

5. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horowitz, publication number: US 2004/0078817 A1 in view of Shoff, patent number: US 6240 555B1 in further view of Yamato, Publication #: 2002/0127000A1.

As per claim 11, the combination of Horowitz and Shoff teach, a method of recording audiovisual contents broadcast according to a schedule (receiving a recording request, the request being associated with information such as program title and time, [0018], lines 9 – 13, [0042], lines 9 - 15),

Art Unit: 2623

a step of receiving a record request file from which the access terminal generates a record-request request designed to be sent to a predetermined server for executing automatically the selection step (VOD, [0050])

The combination does not teach a preliminary step of selecting a plurality of contents having a common topic

In an analogous art, Yamato teaches the method including a preliminary step of selecting a plurality of contents having a common topic, (In addition, the device 100 searches the data of the EPG for user's favorite programs by using keywords or types which are established in advance by the user, [0169], lines 6 -10).

Therefore, it would have been obvious to one of ordinary skill in the art to modify the combination of Horowitz and Shoff by including the step of selecting contents with a common topic, as described in Yamato's recording device, for the advantages of updating only files that are of interest to the user and avoiding the clogging of the network by updating every available file.

As per claim 12, the combination of Horowitz, Shoff and Yamato teach a method according to claim 11 of recording audiovisual contents broadcast according to a schedule, wherein the record request file includes the address of said predetermined server for generating the record-request request (Shoff: update link, Col. 6, lines 8 – 26, Fig. 3).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olugbenga O. Idowu whose telephone number is 571 270 1450. The examiner can normally be reached on Monday to Friday, 7am -5pm Est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 571 272 7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

O.I.


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